IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Tr.P(C).No. 105 of 2006()

OPMV.957/2005 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALAKKAD

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PETITIONER (PETITIONER IN THE COURT BELOW)

SUNITHA, W/O.SIVADASAN.A @ SIVADAS,
AGED 34 YEARS, RESIDING AT SUDHA NIVAS,
PALAPPURAM, OTTAPPALAM, PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: (RESPONDENTS IN THE COURT BELOW)

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1. K.S.RAFEEQ, AGED 42 YEARS,
S/O.SARAFUDHEEN, RESIDING AT VASANTHA NAGAR,
RAMASWAMY PILLAI, STREET NO.1, MAHADEVAPURAM,
MAHADEVAPURAM.P.O, METTUPALAYAM, COIMBATORE DIST.,
TAMIL NADU.

2. K.MOHAMMED ALI,
AGED 31 YEARS, S/O.ABDUL GAFOOR,
RESIDING AT VASANTHA NAGAR, RAMASWAMY PILLAI,
STREET NO.1, MAHADEVAPURAM, MAHADEVAPURAM.P.O,
METTUPALAYAM, COIMBATORE DISTRICT,
TAMIL NADU.

3. NATIONAL INSURANCE CO. LTD.,
SREE RAM SITE OFFICE,
2, PRAKASAM ROAD, T.NAGAR,
CHENNAI, PIN-600 017.

R3 BY ADV. SRI.E.M.JOSEPH

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

Tr.P. (C) No.105 of 2006

Dated: September 10, 2007

ORDER

The petitioner in this transfer petition is the claim petitioner in O.P.(MV) No.957/2005 on the file of the M.A.C.T., Palakkad. This claim petition was filed for and on behalf of the petitioner's husband who has sustained serious injuries in an accident occurred on 20.2.2005. The petitioner submits that her husband was unconscious for a pretty long period, he sustained permanent disabilities and is still undergoing treatment at the Vaidhyar Madam Ayurvedic Hospital at Mezhathur near Pattambi in Ottappalam Taluk. Finding no improvement in allopathic treatment, subsequently he opted for ayurvedic treatment and continuously from January 2006 her husband is undergoing treatment in the above hospital. It is also submitted by the learned counsel for the petitioner that taking into consideration the health condition of her husband, the treatment may continue for some years together in the same hospital and she is the only person to take care of her ailing husband and to conduct the litigation pending before the MACT, Palakkad. Stating her inability to undertake frequent travel to Palakkad to conduct the case, she has moved this court seeking transfer of the O.P. pending before the MACT, Palakkad to MACT, Ottappalam which is near to her present residence. The learned counsel for the 3rd respondent also graciously submitted that in the facts and circumstances of the case, they are also willing to co-operate and they have no serious objection in granting a

transfer. Respondents 1 and 2, though received notice, have not appeared before this court. In such circumstances I order transfer of O.P.(MV) No.957/2005 pending before the MACT, Palakkad to MACT, Ottappalam for trial and disposal.

This petition is disposed of as above.

HARUN-UL-RASHID
JUDGE

mt/-